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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,547	07/10/2001	Erik F. Buell	018470-9058-00	6890

23409 7590 12/02/2002

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EXAMINER

NGUYEN, LONG B

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 12/02/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,547

Applicant(s)

BUELL ET AL.

Examiner

Long B Nguyen

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 29-33 is/are allowed.
- 6) ☒ Claim(s) 15, 17, 21, 22 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 16, 18-20 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15, 17, 21, 22, 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hilber.

With respect to claim 15, Hilber discloses a motorcycle wheel comprising a rim in Figures 1-3 adapted to receive a motorcycle tire, a hub 14 adapted to receive and support a motorcycle axle, and at least one spoke 15 extending between the rim and the hub, wherein the at least one spoke includes first and second walls 26, 27 that are separated by a distance and in facing relationship with each other, the first and second walls 26, 27 being substantially entirely unconnected to each other between the hub 14 and the rim 16. Portion 15 that is connect to hub is considered to be part of the hub and portion 15 connected to the rim is considered to be part of rim.

With respect to claim 17, Hilber discloses a motorcycle wheel wherein the first wall 26 is substantially identically shaped to the second wall 27.

With respect to claim 21, Hilber discloses a motorcycle wheel wherein the hub is adapted to rotate on an axle about an axis of rotation, and wherein the hub includes at least one aperture at 21 extending generally parallel to, and radially spaced from, the axis of rotation.

With respect to claim 22, Hilber discloses a motorcycle wheel wherein the first and second walls 26, 27 define first and second planes, respectively, and wherein the aperture is between the first and second planes. The aperture lies between the first plane of the first wall and the second plane of the second wall.

With respect to claim 24, Hilber discloses a motorcycle wheel wherein the first wall includes an inner face, an outer face, and a thickness between the faces, wherein the second wall includes an inner face, an outer face, and a thickness between the inner and outer faces of the second wall, and wherein the inner face of the first wall faces the inner face of the second wall.

With respect to claim 25, Hilber discloses a motorcycle wheel wherein the inner face of the first wall defines a first plane and the inner face of the second wall defines a second plane, and wherein the first plane and the second plane are not coplanar with each other.

With respect to claim 26, Hilber discloses a motorcycle wheel wherein the hub is adapted to rotate on the axle about an axis of rotation, and wherein the inner face of the first wall defines a first plane, and wherein the first plane is substantially parallel to the axis of rotation.

With respect to claim 27, Hilber discloses a motorcycle wheel wherein the inner face of the first wall defines a width, and wherein the thickness of the first wall is substantially less than the width as shown in Figures 2 and 3.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hilber.

Hilber does not specify that the first is approximately $1/6^{\text{th}}$ of the distance between the outer faces of the first and second walls.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a spoke with a first wall with a thickness of $1/6^{\text{th}}$ of the distance between the outer faces of the first and second walls because the thickness of the first would depend on the size of the wheels and design load on the wheels. A larger wheel that may carry larger loads may require larger thickness. A smaller wheel that may carry smaller loads may require smaller thickness to reduce weight and cost.

Allowable Subject Matter

5. Claims 1-3, 5-14, and 29-33 are allowed.

6. Claims 16, 18-20, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

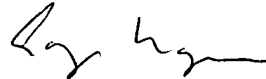
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long B Nguyen whose telephone number is 703.305.5201. The examiner can normally be reached on M-F with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703.308.0230. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.305.5201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

lbn
December 2, 2002

 12/1/02
LONG B. NGUYEN
PATENT EXAMINER